

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JUSTIN ALLEN,

Plaintiff,

v.

Case No. 23-11404

Hon. Jonathan J.C. Grey

Mag. Judge David R. Grand

KELLY HOLDEN et al.

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION
(ECF No. 48)

On June 13, 2023, Plaintiff Justin Allen filed this pro se civil action under 42 U.S.C. § 1983 against Defendants Kelly Holden, B. Simon, John Doe, Michelle Floyd, and Heidi Washington. (ECF No. 1.) On July 20, 2023, all pre-trial matters in this case were referred to United States Magistrate Judge David R. Grand. (ECF No. 9.) On January 2, 2025, Defendants Floyd, Washington, Holden, and Simon (collectively, “Defendants”) filed a motion to dismiss based on Federal Rule of Civil Procedure 41(b). (ECF No. 42.)

This matter comes before the Court on Magistrate Judge David R. Grand’s Report and Recommendation dated April 21, 2025. (ECF No. 48.)

In the Report and Recommendation, Judge Grand recommends that the Court grant Defendant's motion to dismiss because Allen has failed to respond to the motion or the Court's Orders for Allen to show cause why his case should not be dismissed for failure to prosecute this matter. (*Id.*) No party has filed an objection to the Report and Recommendation.

The Court has had an opportunity to review this matter and finds that the Magistrate Judge reached the correct conclusions for the proper reasons. Finding no error in the Magistrate Judge's Report and Recommendation, the Court adopts the Report and Recommendation in its entirety. Furthermore, as neither party has raised an objection to the Report and Recommendation, the Court finds that the parties have waived any further objections to the Report and Recommendation. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987) (a party's failure to file any objections waives his or her right to further appeal); *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

For the reasons stated above, **IT IS ORDERED** that the Report and Recommendation dated April 21, 2025 (ECF No. 48) is **ADOPTED** as this Court's findings of fact and conclusions of law.

IT IS FURTHER ORDERED that Defendants' motion to dismiss
(ECF No. 42) is **GRANTED**.

SO ORDERED.

Date: May 19, 2025

s/Jonathan J.C. Grey
Jonathan J.C. Grey
United States District Judge

Certificate of Service

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First-Class U.S. mail addresses disclosed on the Notice of Electronic Filing on May 19, 2025.

s/ S. Osorio
Sandra Osorio
Case Manager